

INVENTOR: SANGHA, Jangbir  
Serial No. 10/020,257

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## REMARKS

### ASSERTION OF SMALL ENTITY STATUS

Bode Technology Group, Inc., is the assignee of the above-captioned patent application by assignments dated Sept. 18 & 19, 2006 and recorded on October 2, 2006 at reel and frame No. 01835 / 0631 (See, Exhibit A). The Assignee, by the attached paper captioned Assertion of Small Entity Status, has made claim to SMALL ENTITY STATUS and the privilege of paying the reduced Patent Office fees associated with such status.

### Claims Status

Claims 66, 68-73, 75, 76, 78-83, 85, 86, 88-93 and 95 now are pending in the application.

Claims 26-39, 74, 77, 84 and 94 are cancelled by this Amendment.

Claims 1-6, 56-65, 67 and 87 previously were cancelled.

Claims 7-25, 40-55 and 96-102 previously were withdrawn.

By this Amendment, the Applicant has amended claims 66, 73, 76 and 86 and has added new claims.

### Claim Rejections under 35 U.S.C. § 102

**Rejection of claims 66, 68-73, 75, 76, 78-83, 85, 86, 88-93 and 95 under 35 U.S.C. § 102(b) as being anticipated by Gross.**

The Applicant has amended independent claims 66, 76 and 86 to recite a limitation that previously was presented in dependent claims 74, 84 and 94. This further limitation recites:

"an adhesive surface on said sample collection substrate second  
side for collection of DNA thereon . . . ."

While this limitation was rejected in view of Gross in the previous communication from the examiner, the applicant believes it was not given its proper interpretation and should be

reconsidered. Specifically, this limitation provides an "adhesive surface" on the sample collection substrate to allow collection of DNA via the "adhesive surface."

This limitation of an "adhesive surface" is not included in Gross, and in fact, such an "adhesive surface" on the pad 42 of Gross would be antithetical to the use of Gross as a device to cover a wound during healing. Use of an "adhesive surface" on the Gross pad 42 would serve to tear the scab off the wound upon removal of the Gross device.

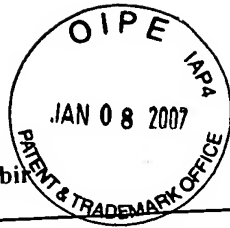
By contrast the embodiment claimed in claims 66, 76 and 86 is intended to remove a portion of the subjects body surface in the form of skin cells and/or fluids associated therewith such as skin oils and fluids and saliva to provide thereby a DNA sample on the collection substrate. Further, when the "adhesive surface" is used to obtain DNA via the fingertips of an individual, the fingerprint also is obtained. This feature of the invention is described in the specification at page 26, line 20 to page 27 line 2, thus no new matter has been added.

The Applicant believes that this amendment to independent claims 66, 76 and 86 make these claims, and their respective dependent claims 68-73, 75, 78-83, 85, 88-93 and 95, allowable over Gross. The Applicant respectfully requests that the Examiner to pass these claims to issue.

#### **Claim 73 Amendment**

Claim 73 has been amended to correct a typographical error by changing the word "portion" to - - substrate - - as there was no antecedent basis for the word "portion."

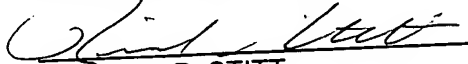
Reconsideration of the application as amended respectfully is requested. The foregoing amendment and remarks are believed to be responsive to every matter raised in the office action. However, if some matter has been overlooked, an opportunity to correct the oversight would be appreciated.



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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard P. Stitt", written over a horizontal line.

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